



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of
B. W. Council, Jr. et al.
Serial No.: 09/963,889
Filed: September 25, 2001
For: Method for Lathing a Lens

Docket: P02855D2
Examiner: Shantese L. McDonald
Art Group: 3723

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 24, 2004.

Laura Galletto

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria

Sir:

Petitioner, Bausch & Lomb Incorporated, a corporation of the State of New York, is owner of one hundred percent interest in U.S. Application Serial No. 09/963,889 (further identified above) by virtue of an Assignment from the inventors recorded in the U.S. Patent and Trademark Office at Reel 9545, Frame 0938 in parent U.S. Application No. 09/146,366 (now US Patent No. 5,931,068).

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Application Serial No. 09/963,889, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,931,068. Petitioner hereby agrees that any patent so granted on U.S. Application Serial No. 09/963,889 shall be enforceable only for and during such period that it and prior U.S. Patent No. 5,931,068 are commonly owned. This agreement runs with any patent granted on U.S. Application Serial No. 09/963,889 and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on U.S. Application Serial No. 09/963,889 that would extend to the expiration date of the

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full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 5,931,068 as presently shortened by any terminal disclaimer, in the event that it later: (a) expires for failure to pay a maintenance fee; or (b) is held unenforceable; or (c) is found invalid by a court of competent jurisdiction; or (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; or (e) has all claims canceled by a reexamination certificate; or (f) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.



John E. Thomas
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February 24, 2004